

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation Number: 8269

John R. Sloop

Group Art Unit: 1615

Serial No.: 10/625,146

Examiner: Neil S. Levy

Filed: July 23, 2003

Docket No.: 141901-1010

For: Wild Animal Control Apparatus And Method

AMENDMENT AFTER DECISION ON APPEAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is filed in response to the Board's Decision on Appeal, which was mailed on November 16, 2010. In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

In the Claims

1-26. (Cancelled)

27. A wild animal control apparatus, comprising:

meat, utilized to attract a wild animal;

an energy release device, surrounded by the meat, the energy release device utilized such that when the wild animal consumes the meat, the wild animal also consumes the energy release device; and

a trigger device that contains the energy release device, the trigger device utilized such that when the wild animal consumes the meat and energy release device, stomach acids of the wild animal that are in the range of 0.5 – 2.5 pH chemically react with the trigger device to dissolve the trigger device, wherein upon dissolving the trigger device, the energy release device releases energy within the wild animal to subdue the wild animal.

28. The wild animal control apparatus of claim 27, wherein the energy release device subdues the wild animal without poisoning the wild animal.

REMARKS

The Decision on Appeal reversed the 35 U.S.C. §112, first and second paragraphs, rejections of claims 1, 27, and 28. In addition, the Decision on appeal reversed the 35 U.S.C. §102 rejection of claims 1, 27, and 28. However, claim 1 was rejected on new grounds. In this response after the Decision on Appeal, Applicant cancels claim 1 without prejudice, waiver, or disclaimer. Additionally, claims 2-8 and 22-26 were previously withdrawn from examination because they were subject to a restriction requirement. Applicant cancels claims 2-8 and 22-26 without prejudice, waiver or disclaimer. Applicant cancels claim 1-8 and 22-26 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuation and/or divisional application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Claims 9-21 were previously cancelled. Therefore, claims 27 and 28 remain pending. Reconsideration and allowance of the application and the pending claims are respectfully requested.

The Decision on Appeal indicates that the rejection of claims 27 and 28 are reversed. Because the decision by the Appeals Board is binding on the Examiner, Applicant respectfully submits that claims 27 and 28 are in condition for allowance.

Respectfully submitted,

By: /N. Andrew Crain/
N. Andrew Crain
Registration No. 45,442